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April 30, 2002

The Honorable Zev Yaroslavsky
Chairman of the Board
500 West Temple Street, Room 821
Los Angeles, California 90012

2002-2003 RECOMMENDED BUDGET/UNMET NEEDS

Dear Chairman Yaroslavsky:

The Office of the District Attorney is facing a loss of \$8.4 million in revenue compared to the 2001-2002 budget. Various program curtailments and program eliminations will result, unless some relief is forthcoming at the State and County levels.

Earlier this spring in the 2002-2003 budget process, I had identified an even larger problem. Thankfully, the CAO has provided a means to fund some of these issues. I am grateful for his involvement in partially addressing our needs. However, we still face an enormous challenge in dealing with the remaining \$8.4 million shortfall in funding, on top of our previously well documented deficient funding situation.

The problems may be summarized as follows:

DPSS funding for DA	- \$2,366,000
Elder Abuse (DCSS/DPSS)	- 530,000
CLEAR Grant (State)	- 920,000
Loss of Miscellaneous Revenues	- 2,704,000
Employee Benefit Increases	- 1,882,000
(CAO requests delete positions to absorb costs)	
Total:	<u>- \$8,402,000</u>

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Discussion

The reduction of State funds to the DPSS, and their decision to pass this on to our Department will seriously hamper my Department's ability to assist the County in protecting its public benefit programs. One recent successful case prosecution recovered \$2.9 million, more than that required to maintain the current level of service. I have communicated this message very clearly to the DPSS Department Head. I have encouraged him to reexamine the decision to curtail the Welfare Fraud Investigation and Prosecution Programs.

The CLEAR Program is a multi-jurisdictional gang enforcement project involving both County and Los Angeles City agencies. A bill is pending in the State Legislature in an effort to extend the program through the coming year.

Due to our inordinate salary savings requirement, our Department has used non-recurrent, one time revenues to fund certain positions during 2001-2002. Those funds, totaling \$2,704,000 should be replaced in order to maintain our current level of service in felony crime prosecution services.

Finally, the reluctance of the CAO to fund nominal fixed cost increases to the worker's compensation, retiree health and long term disability programs would force this Department to make a service reduction by curtailing salary expenditures and positions to absorb the costs. This is a \$1,882,000 problem for 2002-2003.

Salary Savings

Recently, the Board asked the CAO to report on how the salary savings of the District Attorney's Office became so large. It now approximates a discount of 13.4 percent of the required salary funding of this Department. It forces this Department to maintain a vacancy factor of over 100 positions.

The CAO's report to the Board on February 13, 2002 was misleading. It represented that the District Attorney's Office had historically made "choices" to include a 20 percent salary savings on grants, and that the

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District Attorney's Office had chosen to increase salary savings in order to absorb fixed employee benefit increases for worker's compensation and retiree health benefits. I assure you that these were not choices any Department Head would freely make. They were results developed through one way communication. The CAO's office has historically told the Department what the outcome would be: "absorb the costs." The result is an ever-increasing salary savings factor.

The February 13, 2002 report to the Board also indicated that the District Attorney's Office did not delete grant-funded positions after the grants had expired. This is simply untrue in my experience as district attorney. I voluntarily deleted 29 positions in the 2001-2002 proposed budget. I have already deleted many positions in the 2002-2003 proposed budget due to expiring programs.

Since I have been the District Attorney, I have attempted to reconcile a precarious budget situation which was not of my making. I expect a greater spirit of willingness on the part of the CAO and the Board to properly fund this Department. When the District Attorney has a budget shortfall, it is everyone else's problem as well.

The CAO is asking our Department to once again absorb another employee benefit increase of \$1,882,000 by further weakening the staffing base of the Department, and taking position cuts to pay for this increase. This is self-defeating and not good public policy.

I appeal to the Board to fund this increase and to not allow curtailments of the existing budget or a greater increase in the salary savings. This practice must be stopped before we cannibalize the entire office budget.

Program Curtailments

Due to the previously described funding shortfall, I am forced to consider closing down two vertical prosecution Divisions completely, and to limit a number of other programs. The Environmental Crimes Division and the Sex Crimes Division will be affected.

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This is necessary in order to maintain sufficient staffing in Central Operations and the Branch and Area Offices to effectively maintain current prosecutions and core competency with our counterparts in the Criminal Justice System. We will emphasize the basic Mission of the Office first and then the Justice System Integrity and Public Integrity programs.

Due to the DPSS funding decisions, cutbacks will occur in welfare fraud and elder abuse prosecution programs. If not funded by the State Legislature, the CLEAR Program will also be shut down. If I am forced to cut deeper, specialized programs such as Forensic Sciences, Training Division, and Hardcore Gangs may have to be diminished as well.

Unmet Needs

I still maintain the position that I have a shared responsibility with the Board to ensure the integrity of the criminal justice system. I once again request that the Board fund the Department's Roll Out Program and the Justice System Integrity Division.

These two programs are valued at approximately \$2,384,000 and are part of my still-unaddressed unmet needs request for 2001-2002. That entire request totaled \$9.55 million, involving six prioritized programs.

Summary

The District Attorney's Department is already underfunded with respect to the enormous challenges facing it. I have repeatedly documented that fact in previous communications to the Board. The Board shares in the responsibility to effectively control crime in the County through adequate funding of its prosecutor's office.

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I urge you to work with me to address the funding needs I have outlined for you. Unless adequate funding is authorized by the Board, this Department will be crippled in the performance of its basic mission. The people of Los Angeles County will suffer.

Very truly yours,

A handwritten signature in black ink, appearing to read "S. L. Cooley", followed by a large, stylized loop.

STEVE COOLEY
District Attorney

tla

c: David E. Janssen, CAO
Each Supervisor